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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,234	01/13/2005	Satoshi Yonehara	10873.1574USWO	8752

7590 07/27/2007
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MINNEAPOLIS, MN 55402

EXAMINER

ARIANI, KADE

ART UNIT	PAPER NUMBER
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1651

MAIL DATE	DELIVERY MODE
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07/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,234	Applicant(s) YONEHARA ET AL.	
	Examiner Kade Ariani	Art Unit 1651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendments filed on 05/17/2007, has been received and entered.

Claims 1-7 have been canceled.

Claims 8-15 are pending in this application and were examined on their merits.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

All the objections not repeated in the instant Office Action have been withdrawn due to applicant's response to the previous Action.

Double Patenting

The rejection of claims 7-14 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of Yonehara et al. US Patent No. 6,790,665, has been withdrawn due to terminal disclaimer filed on 05/14/2007.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which

was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Any claim containing a negative limitation, which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement

Claim Rejections - 35 USC § 102

The rejection of claims 7-9 and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Yonehara et al. US patent No. 6,790,665, has been withdrawn due to the applicant's amendment to the claims filed on 05/14/2007.

Claims 8, and 12-15 are newly rejected under 35 U.S.C. 102(e) as being anticipated by Komori et al. (European patent application, EP1 002874 A2, Published June 24th, 2000).

Claims 8, and 12-15 are drawn to a method of measuring a glycosylated protein comprising, treating a sample containing the glycosylated protein with a protease in the presence of a sulfonic acid compound and in the absence of a tetrazolium compound, allowing a glycosylated portion of a glycosylated protein degradation product obtained by the degradation and a fructosyl amino acid oxidase to react with each other and measuring

the redox reaction, a nitro compound, and measuring the degree of the color developed by the substrate.

Komori et al. discloses a method of measuring a glycated protein comprising, treating a sample containing the glycated protein with a protease in the presence of a sulfonic acid compound (0057) and in the absence of a tetrazolium compound (see p.8, Example 1, especially 0079, lines 2-3), allowing a glycated portion of a glycated protein degradation product obtained by the degradation and a fructosyl amino acid oxidase to react with each other and measuring the redox reaction (0004, 0030, 0050 and 0051), a nitro compound (0017), and measuring the degree of the color developed by the substrate (0059).

Komori et al. therefore clearly anticipates the claimed invention.

Claim Rejections - 35 USC § 103

The rejection of claims 7-14 under 35 U.S.C. 103(a) as being unpatentable over Komori et al. (European patent application, EP1 002874 A2, Published June 24th, 2000) in view of Oshiro et al. (Clin. Biochem. 1982, Vol. 15, No.1, p.83-88) and further in view of Ishimaru et al. (Patent No. 6,127,138 issued Oct. 3, 2000) and further in view of Johnson et al. (Blood, 1994, Vol.83, No.4, p.1117-1123), has been withdrawn due to the applicant's amendment to the claims filed on 05/14/2007.

Claims 8-15 are newly rejected under 35 U.S.C. 103(a) as being unpatentable over Komori et al. (European patent application, EP1 002874 A2, Published June 24th,

2000) in view of Oshiro et al. (Clin. Biochem. 1982, Vol. 15, No.1, p.83-88) and further in view of Ishimaru et al. (Patent No. 6,127,138 issued Oct. 3, 2000) and further in view of Johnson et al. (Blood, 1994, Vol.83, No.4, p.1117-1123) and further in view of Yonehara et al. US patent No. 6,790,665.

The rejection is made for reasons or record set forth in this office action and the Action mailed on 02/12/2007 and extended to new claims as necessitated by the applicant's amendment filed on 05/14/2007.

Conclusion

No claims are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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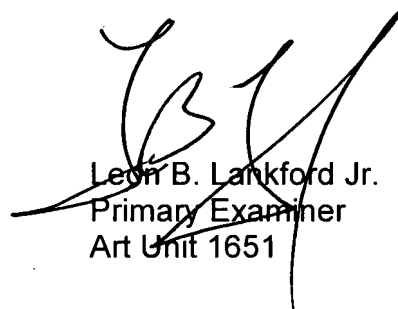
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kade Ariani whose telephone number is (571) 272-6083. The examiner can normally be reached on 9:00 am to 5:30 pm EST Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on (571) 272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kade Ariani
Examiner
Art Unit 1651



Leon B. Lankford Jr.
Primary Examiner
Art Unit 1651